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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.480 OF 2007
IN
CRIMINAL APPEAL NO.44 OF 2007

Hiru Vitthal Gavankar & Anr. ... Appellants

V/s.

The State of Maharashtra ... Respondent

Mr.Ganesh Gole for Appellants
Mr.P.S. Hingorani, APP, for Respondent

CORAM: **D.G. DESHPANDE &**
SMT.NISHITA MHATRE, JJ.

DATED: **JUNE 26, 2007**

P.C.:

. Heard Mr.Gole, appearing for the accused and the learned APP for the State. According to the prosecution, out of the 4 accused prosecuted for murder, two have been acquitted and the other two accused, i.e., the two applicants herein, have been convicted on the basis of the evidence of last seen together, finding of one wrist watch of accused No.2 about 100' away from the dead body and one cover or lid of steel box used for keeping lime. The motive is not taking side of the victim in the quarrel between the victim and the complainant. There is absolutely no other incriminating evidence against the accused. They were on bail during trial. There is nothing to show that they misused the bail. Therefore, the following order:

(i) The accused be released on bail on

furnishing a P.R. bonds of Rs.10,000/- (Rupees Ten thousand only) each with one solvent surety each in the like amount.

(ii) The accused shall attend the concerned police station once in two months in the first week till the appeal is disposed of.

(iii) The substantive sentence of the accused is suspended pending the Appeal.

(iv) Fine, if any, to be paid before their release on bail.

2. Application is disposed of accordingly.

(D.G. DESHPANDE, J.)

(SMT.NISHITA MHATRE, J.)